

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIAM BRYAN DOTSON

PLAINTIFF

V.

CIVIL ACITN NO 4:20-CV-169-SA-DAS

**KILOLO KIJAKAZI, ACTING COMMISSIONER
OF THE SOCIAL SECURITY ADMINISTRATION**

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's motion for payment of attorney fees pursuant to the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. The court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA as the prevailing party, asserting the Commissioner's position was not substantially justified. By the motion and attached exhibits, the claimant requested an award of \$ 7,004.69 in attorney's fees, representing 31.97 hours of work. The plaintiff claimed 3.3 hours of work at \$ 203.92 per hour for work done in 2020. He also claimed 28.67 hours of work for work done in 2021 at an hourly rate of \$ 220.85. In response, the Commissioner objected to the claimed 2021 hourly rate asserting that calculated under the Southern Urban CPI for 2021, the hourly rate should be \$ 214.29 per hour. In reply, plaintiff's counsel admits there was an inadvertent miscalculation because the December 2021 Southern CPI number, rather than the year end average was accidentally used in making the calculation. The plaintiff has amended the

request for fees to reflect the hourly 2021 rate at \$ 214.29, with a total fee award of \$6,816.63.

With the parties agreeing on fees to be awarded, the court finds the motion should be granted.

IT IS ORDERED that the claimant's motion for payment of attorney fees under the EAJA is granted. The defendant is directed to pay \$ 6,143.63 for attorney fees. The check shall be made payable to the claimant and mailed to the attorney's address.

SO ORDERED this the 27th day of December, 2022.

/s/ David A. Sanders

U.S. MAGISTRATE JUDGE